

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBEN ORTEGA JUAREZ, individually and on
behalf of others similarly situated,

Plaintiffs,

-against-

MI MEXICO MINI MARKET & GROCERY INC.
(d/b/a MI MEXICO MEAT MARKET), CECILIO
LEZAMA, RENE LEZAMA, and JAELEZAMA,

Defendants.

Case No. 1:23-cv-06978 (JLR)
(SDA)

REVISED ORDER
VACATING DEFAULT
JUDGMENT

JENNIFER L. ROCHON, United States District Judge:

WHEREAS, on January 26, 2024, default judgment was entered in favor of Plaintiffs and against all Defendants, *see* Dkt. 38; and

WHEREAS, on December 31, 2024, Defendant Cecilio Lezama moved this Court to vacate the default judgment entered against him pursuant to Federal Rule of Civil Procedure (“Rule”) 60, *see* Dkts. 41-42; and

WHEREAS, the Court “may set aside a final default judgment under Rule 60(b),” Fed. R. Civ. P. 55(c), for “mistake, inadvertence, surprise, or excusable neglect,” Fed. R. Civ. P. 60(b)(1), “fraud . . . , misrepresentation, or misconduct by an opposing party,” Fed. R. Civ. P. 60(b)(3), or “any other reason that justifies relief,” Fed. R. Civ. P. 60(b)(6); and

WHEREAS, Plaintiffs do not oppose Defendant Cecilio Lezama’s motion to vacate the default judgment entered against him, *see* Dkt. 48; and

WHEREAS, upon consideration of the parties’ submissions, and because the Second Circuit “generally disfavor[s]” default judgment and has expressed a “preference for resolving disputes on the merits,” *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 95-96 (2d Cir. 1993), the


Court finds that relief from the default judgment entered against Defendant Cecilio Lezama is justified;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the default judgment entered against Defendant Cecilio Lezama is **VACATED**.

The Clerk of Court is respectfully directed to vacate the Court's earlier Order at Dkt. 50 because it erroneously applied to all Defendants.

Dated: January 27, 2025
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge